

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of		
Implementation of Section 621 (a)(1) of)	
the Cable Communications Policy)	MB Docket No. 05-
311		
as amended by the Cable Television Consumer)	
Protection and Competition Act of 1992)	

COMMENTS OF CITY OF BREA

The Comments are filed by the City of Brea in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors (“NATOA”). Like NLC and NATOA, the City of Brea believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable service providers. In support of this belief, we wish to inform the commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

The City of Brea is a City with a population of 39,584. Our franchised cable provider is Adelphia Communications. Our community has negotiated cable franchises since 1974.

Competitive Cable Systems

Our community has never been approached by a competitive cable provider to provide cable service. The City of Brea does have mechanisms in place to offer the same or a comparable franchise to a competitor upon request.

Conclusions

The local cable franchising process functions well in the City of Brea. As the above information indicates, we are experienced in working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that users of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner that is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Brea therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under the existing federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Brea

By: Roy Moore, Mayor

Date: February 13, 2006

cc: Brea City Council
National League of Cities
NATOA
John Norton, Federal Communications Commission
Andrew Long, Federal Communications Commission
Genevieve Morelos, League of California Cities

s:leg/federal2006/telecom